

FILED

OCT 20 2010

  
CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

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ORLANDO MENDEZ,

Plaintiff,

-vs-

ERVIN HEATWOLE,

Defendant.

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CIV. 09-4086

ORDER OF DISMISSAL

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The court was advised on September 14, 2010, that the parties resolved their dispute. Therefore, it is

ORDERED that this action is hereby dismissed with prejudice and without costs, each party to pay their own costs. Any party, on good cause shown on or before November 19, 2010, may move to vacate this Order of Dismissal and reopen this action if settlement is not consummated. The Court also retains ancillary jurisdiction to enforce all settlement agreements entered into by the parties and their representatives. *See Harris v. Arkansas State Highway and Transp. Dep't.*, 437 F.3d 749 (8<sup>th</sup> Cir. 2006).

Dated this 20 day of October, 2010.

BY THE COURT:

  
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JOHN E. SIMKO  
United States Magistrate Judge